

REMARKS

The present application has been carefully studied and amended in view of the Office Action dated November 19, 2007 and the Advisory Action dated May 21, 2008, and reconsideration of the rejected claims is respectfully requested.

The following is submitted in response to the issues under 35 USC §112.

According to the Advisory Action the Examiner takes the position that the claim language "without tensioning" the gasket after mounting to the plate as now set forth in view claim 43 is not disclosed in the specification so that there would be a basis for such amendment.

In this context the Examiner states "The process of removing such material might involve applying tension to it after mounting". This statement is not correct. Tension means that the film is stressed along its length and width so that no wrinkles appear that such film is used as coating another surface. In the instant case the excess material (see Figure 4, #118A or #118B) is removed, e.g. by cutting it off with a knife. Even if a tension would be applied to remove such excess material, the remainder of the film (see Figure 4, #118) would not be tensioned, because such film is already positioned and fixed between the plate (see Figure 4, #130) and the magnets (see Figure 4, #128). Hence, such tension would not be transferred to the positioned and fixed film (see Figure 4, #118).

Since the Examiner maintains the position that the feature "without tensioning" is not supported by the specification, claim 1 has been amended to delete "without tensioning" and to positively recite the means for mounting the gasket to the plate as at least one of adhesive means, magnetic means and vacuum means. However, new

claim 43 recites without tensioning since applicant maintains this limitation is in fact supported by the specification as originally filed for the reasons set forth above and also in the initial response to the Final Office Action.

With respect to the issues under 35 UCS §§102(b) and 103(a), applicant respectfully submits that the claims herein are neither shown nor suggested by Barringer et al US 5,891,295 ("Barringer").

Barringer purposely tensions the film applied to the frame. This is normal because Barringer relates to flexible circuits and applying this film for later chemical processes. Please note that the means for holding are adhesive tapes, tape, pins, springs, clamps and screws. These are the holding means not the tensioning means. In other words, Barringer distinguishes between holding means and tensioning means.

Further, Barringer requires mechanical loading stations which are rather complex and a frame that is mechanically complex. There are multiple moving parts on the frame itself as shown in the drawings of the Barringer reference. For example, Figure 3 discloses a frame with flexible/moving portions to adhere a thin film to a frame surface. These complex means are required to apply the tension to the film.

In contrast, the instant invention has a simple frame and simple holding means. When the teaching of Barringer is applied to the instant problem the means taught by Barringer would cause material problems because when the window (see Figure 6, #219) is stamped out, the holding means of Barringer which applies tension to the film, would cause a crack propagation when cutting/stamping out of the window.

Furthermore, applying tension to the film would cause distortion after cutting and processing of the film (with the stamped out window). This distortion would cause

problems in the subsequent manufacturing processes and potentially problems meeting the required size tolerances, because when cutting/stamping out the window, the cutting means causes crack propagation, e.g. at the edges.

Hence, the device disclosed and/or suggested by Barringer cannot be used in the instant process, because of the problems mentioned above. These problems are the direct result of applying tension to the film to be cut or stamped. The instant solution provides is a simple frame vs. a mechanically complex frame requiring complex mechanical loading stations.

Hence, the instant frame is novel over Barringer and it also contains a technical effect, since it is far easier to use than the prior art devices.

Applicant stresses that Barringer uses complicated mechanical means to fix and tension a film. There is no teaching given that such a tensioning can be done by the other means now recited in claim 1. For a skilled worker it is also clear, that the three means (adhesive, magnetic, vacuum) can only fix a film on a plate, but are not suitable to apply tension to film within the teaching of the reference. The fixing of the film (see Figure 4, #118) between two frames (see Figure 4, #112 and 130) is done in a manner, that the film will not move and the window (see Figure 6, #219) can be stamped out. In this context it is important to note that tensioning the film would cause a crack propagation when cutting/stamping out of the window.

Accordingly, in view of the claim changes and the above arguments in support of patentability, it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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